

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF	}	DATE: August 7, 2007
	}	
Committee to Elect Audrey Ray	}	DOCKET NO: 07C- 016
Michelle Massey, Treasurer	}	
1830 Providence Street, NE	}	HEARING OFFICER: William O. Sanford
Washington, DC 20002	}	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that the Committee to Elect Audrey Ray, for which Michelle Massey serves as treasurer, failed to timely file on or before December 11, 2006, a December 10, 2006 Report of Receipts and Expenditures (December 10, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated December 18, 2006, and February 2, 2007, OCF ordered Audrey Ray (hereinafter respondent candidate) and Michelle Massey (hereinafter respondent treasurer) to appear at scheduled hearings on January 25, 2007 and February 15, 2007, and show cause why the Committee to Elect Audrey Ray (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

Summary of Evidence

OCF has alleged that the respondent committee failed to timely file the statutorily required December 10, 2006 Report by December 11, 2006.

On January 22, 2007, respondent treasurer submitted a written statement in which she conceded the violation. Respondent treasurer also stated that she was not aware that the committee had a continuing obligation to file reports when there was no activity. Respondent treasurer also stated that she required additional time to prepare and submit the report and submitted a final document as expeditiously as possible.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a December 10, 2006 Report with OCF on or before December 11, 2006.
2. Respondent committee did not timely file a December 10, 2006 Report with OCF.
3. Respondent treasurer submitted a final Report of Receipts and Expenditures on February 6, 2007.
4. Respondent candidate was a first time candidate for elective office in the District of Columbia.
5. Respondent committee is currently in compliance with the statute.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. The respondent committee violated D.C. Official Code § 1-1105.05(a).
2. The penalty established at 3DCMR §§ 3711.2(f) and 3711.4, for failure to timely file a December 10, 2006 Report required by D.C. Official Code § 1-1102.06(a), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code § 1-1103.05(b) (3) and 3DCMR §§ 3711.2(f) and 3711.4, the respondent committee may be fined a maximum of \$2,000.00 for failing to timely file a December 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer's lack of experience and respondent candidate's status as a first time office seeker in the District of Columbia provide good cause for leniency.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine in this matter.

Date

William O. Sanford
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine in this matter is hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

April Williams

